

Loren Miller, Debtor-Appellant *pro se*
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U.S. COURT OF APPEALS
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UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

“In re: LOREN MILLER; SARAH
MILLER

Court of Appeals Docket #: 16-60011

Debtors”

BAP No. CC-15-1208

LOREN MILLER,

Appellant.

Bankr. No. 9:13-bk-10313-PC

v.

Adv. No. 9:13-ap-01133-PC

JEREMY W. FAITH, Trustee,
Appellee.

Chapter 13

MOTION TO EXTEND TIME TO FILE BRIEF

I move this Court in good faith to extend the deadline to file and serve my opening brief to August 22, 2016. I base this motion on the case records, my supporting declaration, and:

Your recent Order extended my time to file and serve my opening brief to July 18th.² Due to my present circumstances detailed in my supporting

¹ Please note this is now my current address

² See docket #9

declaration, I cannot complete my opening brief on time.

I believe the legal standard for extensions of this type is “When an act may or must be done within a specified time, the court may, for good cause, extend the time”³ In this Circuit enlargement will normally be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.⁴

I'm mindful of the admonition from “Terri Haugen, Deputy Clerk,” “that a motion for an extension of time to file a brief should be filed at least seven days before the due date for filing the brief. 9th Cir. R. 31-2.2(b).” Because my circumstances change daily, this motion is necessary. I can only wish my weeks were predictable enough to allow such timely filing. Considering what's at stake, I can't see how granting this extension could possibly prejudice Appellee.

Like the Sacketts I've been feeling my way through the courts as best as I am able.⁵ Sometimes it takes me longer to file and serve necessary documents than your arbitrary rules may dictate.

³ FRCP 6(b)(1)

⁴ *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010)

⁵ *Sackett v. Environmental Protection Agency*, 132 S.Ct. 1367 (2012)

REQUEST FOR RELIEF

This court's order or other allowance to extend the deadline to file and serve my Opening Brief to August 22, 2016. If I receive nothing contrary from this Court I fully intend to so file and serve.

I expressly reserve the right to amend or supplement this Motion if I believe it is necessary. I also expressly invoke FRBP 1001 to apply to this and all my written submissions to this Court.

I certify on this date I mailed a true copy of this Motion to Appellee's attorney's mailing addresses of record.

Subscribed with all rights reserved on July 13, 2016

A handwritten signature in black ink, appearing to read "Loren Miller", written in a cursive style.

Loren Miller, Debtor-Appellant *pro se*

DECLARATION SUPPORTING MOTION FOR EXTENSION
STATE OF NEVADA, County of Clark } ss.

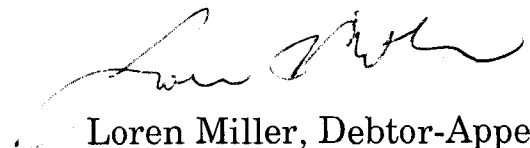
I am the sole Debtor-Appellant for the purposes of this motion. I declare according to the best of my knowledge and belief:

1. In May I abruptly lost my job, and have been living with my parents in Las Vegas. It was very disrupting to have to pack up and move all of my belongings 1,468 miles on short notice and dump almost all of it into a rented storage, including my files for this case. I am moving *again* to where I hope to be a permanent residence. Due to moving my files are in disarray and I cannot so easily find the documents I need to research and write my opening brief.

2. I was working in the petroleum industry and almost all of those companies are laying off and cutting back their operations. Until I get a new job much of my time is consumed with finding new employment.

3. I do not make this motion dishonestly or for *any* improper purpose whatsoever, such as needless delay or extraordinary inconvenience or expense for the other parties in interest.

I declare under penalty of perjury that the foregoing is true and correct.
Executed with all rights reserved on July 13, 2016

A handwritten signature in black ink, appearing to read "Loren Miller", is written over a horizontal line.

Loren Miller, Debtor-Appellant